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VIA FACSIMILE: 571-273-6826

Attention: Examiner Kimberly Wood (Telephone 571.272.6826)  
 Appln. No.: 10/811,984  
 Inventors: Shigetaka Yoshikawa, *et al.*  
 Title: MOUNTING STRUCTURE  
 Our Ref.: 10517/225

Dear Examiner Wood,

We include below a summary of the remarks for your consideration in conjunction with our Applicant Initiated Interview Request.

Current Status of the Application

Claims 1 – 3, 5 – 7, 9 and 10 are currently pending in the present application, with claim 1 as the sole independent claim. Claims 1, 3, and 5 stand rejected under 35 U.S.C. § 102(b) as allegedly being anticipated by U.S. Patent No. 1,858,144 (“Fariello”). Additionally, claims 1 – 3, 5 – 7, 9, and 10 stand rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over U.S. Patent No. 1,226,968 (“Guenther”).

Remarks Regarding the Rejection of Claim 1 Under § 102(b)

Claim 1 of the present application recites a mounting structure for a heat accumulation tank, an example of which is shown in Figure A below. This structure includes an elastic member (39), wrapped around the circumference of the tank’s main body, and a mounting member (30), wrapped around the outer circumferential surface of the elastic member. The mounting member further includes a band (31), which extends around the circumference of the tank’s main body, and a bracket (32) attached to the band via spot welding.

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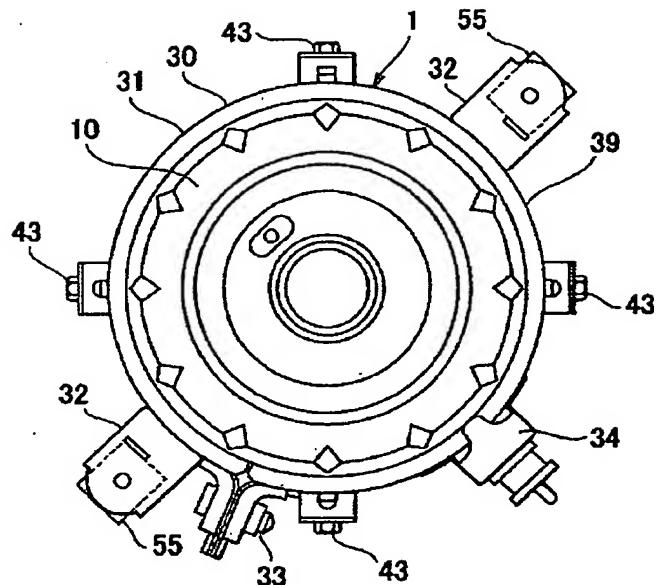


Figure A: FIG. 4 of the Published Application

The location for spot welding of the bracket (32) falls within a spot weld zone. This spot weld zone is preferably located outside of a major surface pressure receiving portion (36), as shown in Figure B below. In certain cases, the width of the band (31) is divided into thirds, with the major surface pressure receiving portion (36) located in the center third of the band. Thus, the bracket may be spot-welded on either of the side-third portions of the band, corresponding to the white area in Figure B.

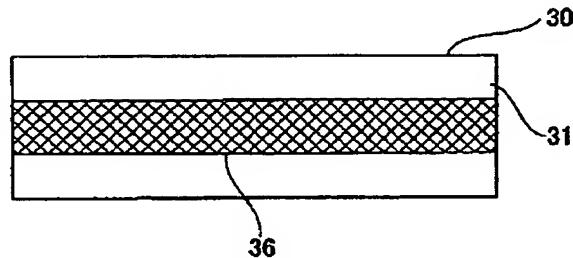


Figure B: FIG. 5 of the Published Application

Fariello, however, describes a jar holder, as shown in Figure C below. The holder has semi-circular gripping members (10 and 11) for gripping a jar. The holder further includes a U-shaped member (26) that is rigidly fixed to the central portion of one of the gripping members (10).

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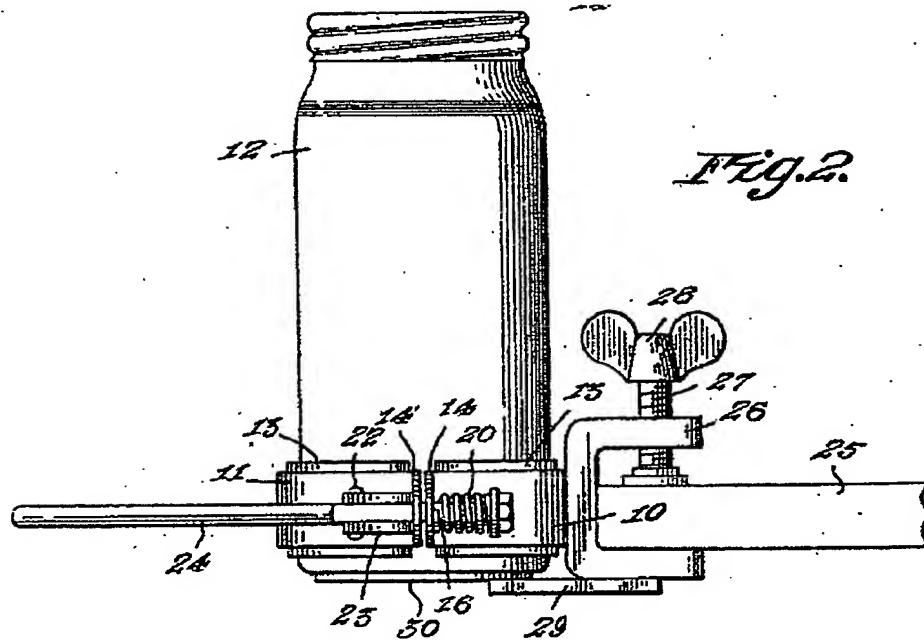


Figure C: FIG. 2 of Fariello

The two devices are distinct, however, as is readily apparent from a comparison of the above figures. While a tank mounting structure in accordance with claim 1 of the present invention has one or more brackets spot-welded to a particular portion of a band, the Fariello jar holder merely has a U-shaped member rigidly fixed to a gripping member. A bracket in accordance with claim 1 of the present invention is attached to the device much differently than the Fariello bracket. Specifically, the bracket of claim 1 is spot-welded to either side of the band outside of the center third portion of the band. Fariello, however, is completely silent on this point, mentioning only a "U-shaped member 26 which is rigid with central portion of the gripping member 10." (Fariello at p. 2, ll. 1 – 3.) Fariello fails to mention that the member is spot-welded, let alone a specific limitation requiring the member to be spot-welded to a particular location on a band.

Thus, Fariello fails to teach each and every limitation recited by claim 1 of the present invention. Specifically, Fariello fails to teach a bracket spot-welded to a width of a band outside of the center third portion of the band. Accordingly, the rejection of claim 1 under § 102 is improper.

Remarks Regarding the Rejection of Claim 1 Under § 103

Claim 1 as stands rejected under § 103 over a modification of Guenther.

Guenther describes an improved wall-bracket for supporting fire extinguishers, as shown in Figure D below. This wall bracket includes a wall plate (1) having a longitudinal rib (3) running through its center and a clamping ring made up of a rigid portion (6) and a hinged portion

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(7). Free ends (9 and 10) of each ring portion come together when the ring is closed. The ring is kept closed around the fire extinguisher using a T-pin structure (elements 14 – 17.)

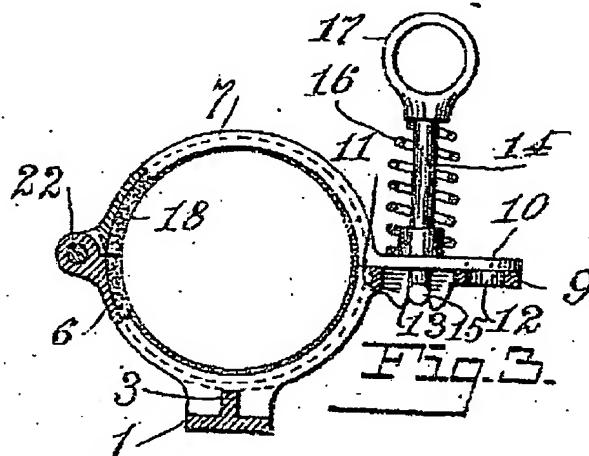


Figure D: FIG. 3 of Guenther

The two devices are non-trivially distinct, however. While a tank mounting structure in accordance with claim 1 of the present invention has one or more brackets spot-welded to a particular portion of a band, the Guenther fire extinguisher wall-bracket merely has a long, flat plate running longitudinally along a portion of a wall. Although the Office action contends that the wall plate of Guenther teaches the bracket recited by claim 1 of the present invention, a cursory comparison of the two structures reveals notable differences. (*Compare* L-shaped bracket 32 in FIG. 1 of the published application *with* flat plate 1 in FIG. 2 of Guenther.) Thus, Guenther fails to disclose a bracket spot-welded to either of the side third portions of the width of a band, as recited by claim 1 of the present application.

Thus, the modified Guenther device fails to teach each and every limitation recited by claim 1 of the present invention. Specifically, Guenther fails to teach a bracket spot-welded to a width of a band outside of the center third portion of the band. Accordingly, the Applicant's respectfully request withdrawal of the § 103 rejection of claim 1.

We look forward to speaking with you soon. Should you have any questions, please do not hesitate to contact me at 202.220.4256.

Regards,

Bryan Nege  
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